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4 **IN THE UNITED STATES DISTRICT COURT**
5 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
6 **SAN JOSE DIVISION**
7

8 UNITED STATES OF AMERICA,) No. CR-10-00562 JF
9 Plaintiff,)
10 v.) **STIPULATION AND**
11 THOMAS O'MEARA,) **[PROPOSED] ORDER**
12) **RESCHEDULING STATUS**
13 Defendant.) **CONFERENCE AND**
14) **EXCLUDING TIME FROM THE**
15) **SPEEDY TRIAL ACT**
16) **[18 U.S.C. § 3161(h)(8)(A)]**
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26 This matter is currently set for status on August 18, 2011. The parties
27 now jointly request that the August 18, 2011 hearing date be reset to October 6,
28 2011 to allow defense counsel to continue the review of the additional 87,000
29 pages of discovery produced in the case. Based on the stipulation, the Court
30 finds and holds as follows:

31 1. The currently scheduled August 18, 2011 hearing date is hereby
32 vacated.

33 2. This matter is re-set for status on October 6, 2011 at 9:00 a.m.

34 3. The time between August 18, 2011 and October 6, 2011 is
35 excluded under the Speedy Trial Act. The parties agree that the failure to grant
the requested continuance would unreasonable deny defense counsel

1 reasonable time necessary for effective preparation, taking into account the
2 exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). The parties agree
3 that the ends of justice are served by granting the continuance outweigh the
4 best interest of the public and the defendant in a speedy trial and in the prompt
5 disposition of criminal cases. See 18 U.S.C. § 3161(h)(8)(A).

6 STIPULATED:

7 DATED: 8/5/2011

/s/

8 Jeane DeKolver
Attorney for Tom O'Meara

10 DATED: 8/5/2011

/s/

11 Joseph Fazioli
Assistant United States Attorney

13 IT IS SO ORDERED.

15 DATED: 8/18/11

16 
Jeremy Fogel
United States District Judge